

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED 11 MAY -5 AM 10:12
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

GORDON NEWSOME, GAVIN
NEWSOME, CHARISSA NEWSOME,
and DESTINY NEWSOME, Minors by
HAZEL D. THOMPSON, Guardian
and Next Friend.

Plaintiffs,

v.

No. 04-2752 B V

PRIMERICA LIFE INSURANCE CO.
and STEVE A. STOKES,

Defendants.

~~PROPOSED~~ SCHEDULING ORDER SUBMITTED BY THE DEFENDANTS

COME NOW the Defendants, Primerica Life Insurance Co. and Steve A. Stokes, and submit this proposed case management order. Counsel for the Plaintiff, Max Ostrow, has filed a Motion to Withdraw, and the Plaintiff has not identified new counsel. As a result, the Defendants have been unable to consult with opposing counsel as contemplated by the Rules, leading undersigned counsel to submit the this proposed order with the following suggested deadlines:

INITIAL DISCLOSURES PURSUANT TO FED.R.CIV.P 26(a)(1): May 16, 2005.

JOINING PARTIES: May 31, 2005.

AMENDING PLEADINGS: May 31, 2005.

INITIAL MOTIONS TO DISMISS: June 15, 2005.

COMPLETING ALL DISCOVERY: August 31, 2005.

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- (a) DOCUMENT PRODUCTION: August 31, 2005.
- (b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: August 31, 2005.
- (c) EXPERT WITNESS DISCLOSURE (Rule 26):
 - (1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: June 15, 2005.
 - (2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: July 29, 2005.
 - (3) EXPERT WITNESS DEPOSITIONS: August 31, 2005.

FILING DISPOSITIVE MOTIONS: October 15, 2005.

OTHER RELEVANT MATTERS

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial, and the trial is expected to last two (2) days. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice.
Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.

Deane K. Uscho
UNITED STATES MAGISTRATE JUDGE

DATE: May 5, 2005



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May 3, 2005

VIA HAND-DELIVERY

Honorable Diane K. Vescovo
United States Magistrate Judge
242 Clifford Davis Federal Building
167 North Main Street
Memphis, TN 38103

RE: *Newsome v. Primerica Life Insurance Company*
U.S. District Court Case No. 04-2752 BV

Dear Judge Vescovo:

This letter concerns the Scheduling Conference set in this case for Thursday, May 5, 2005. You may recall that Plaintiff's counsel, Max Ostrow, identified a conflict of interest that will require him to withdraw from further participation in the case, causing the Scheduling Conference to be continued a number of times.

Mr. Ostrow had hoped to assist in arranging for substitute counsel; however, those efforts were not successful, and Mr. Ostrow filed a Motion to Withdraw yesterday. It is my understanding that the Plaintiff will personally appear at the Scheduling Conference.

With all of this in mind, I have prepared the enclosed Proposed Scheduling Order. However, I did want to alert you to the fact that – under the circumstances – the proposal is not a joint one as contemplated by Notice of Setting. Indeed, it is being submitted only on behalf of the Defendants.

Thank you for your consideration of this matter, and I look forward to seeing you on Thursday.

Sincerely,

WISEMAN BIGGS BRAY PLLC

Lang Wiseman

Enclosure

cc: Max Ostrow, Esq. (via facsimile 682-2697 and U.S. Mail)
Robert Di Trolio, U.S. District Court Clerk (via hand-delivery)



Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 2:04-CV-02752 was distributed by fax, mail, or direct printing on May 9, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT